

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DOMINIQUE DEWAYNE GULLEY-FERNANDEZ,**

Plaintiff,

**-vs-**

**Case No. 15-CV-795**

**DR. TRACY JOHNSON, et al.,**

Defendants.

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**DECISION AND ORDER**

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On March 21, 2016, the Court consolidated this case with *Gulley-Fernandez v. Johnson*, Case Number 15-cv-995-RTR (E.D. Wis.), and directed the plaintiff to file a comprehensive amended complaint. The plaintiff filed his comprehensive amended complaint on March 31, 2016. In that pleading, the plaintiff alleges that the defendants have failed to treat his gender identity disorder and mental health issues, in violation of the Eighth Amendment. He also alleges that the defendants have continued to house him near inmates who sexually harass and abuse him, in violation of the Eighth Amendment. The Court finds that the plaintiff may proceed on his Eighth Amendment claims and will direct the defendants to answer the comprehensive amended complaint.

The plaintiff references other claims such as retaliation and due process. However, his allegations do not support these claims. According

to the plaintiff, the alleged lack of treatment causes him to act out, which has resulted in alleged unjustified conduct reports and discipline. The plaintiff also takes issue with his continued incarceration at the Wisconsin Secure Program Facility. These allegations are part of the plaintiff's Eighth Amendment claims and do not constitute separate claims.

Finally, the Bureau of Health Services is not a suable entity and, therefore, the Court will dismiss it. *See Wagoner v. Lemmon*, 778 F.3d 586, 592 (7th Cir. 2015) (citations omitted).

### **ORDER**

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED** that defendant Bureau of Health Services is **DISMISSED**.

**IT IS FURTHER ORDERED** that pursuant to an informal service agreement between the Wisconsin Department of Justice and this Court, copies of plaintiff's comprehensive amended complaint (Docket 62) and this order are being electronically sent today to the Wisconsin Department of Justice for service on the unserved defendants (Timothy Haines, Dr. Shirley Dawson, Dawn Landers, Dr. Torria Van Buren, Christa Morrison, Cynthia Osborne, Troy Hermans).

**IT IS ALSO ORDERED** that, pursuant to the informal service

agreement between the Wisconsin Department of Justice and this court, the defendants Timothy Haines, Dr. Shirley Dawson, Dawn Landers, Dr. Torria Van Buren, Christa Morrison, Cynthia Osborne, and Troy Hermans shall file a responsive pleading to the comprehensive amended complaint within sixty days of receiving electronic notice of this order.

**IT IS FURTHER ORDERED** that defendants Dr. Tracy Johnson, Gary Ankarlo, David Gardner, Gary Boughton, and Kevin Kallas shall file a responsive pleading to the comprehensive amended complaint within thirty days of the date of this order.

Dated at Milwaukee, Wisconsin, this 29th day of April, 2016.

**BY THE COURT:**

s/ Pamela Pepper  
for **HON. RUDOLPH T. RANDA**  
**U.S. District Judge**